APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/510,580	02/22/2000	Richard A. Leeds	480169	· 4232

			EXAMINER
22504	7590	12/15/2006	VIG, NARESH

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ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/510,580	LEEDS, RICHARD A.
	Examiner	Art Unit	
	Naresh Vig	3629	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>28 September 2006</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>67-75 and 92-98</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>67-98</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>20050506, 20051007</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35

U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 – 3, 7 and 25 – 26 are rejected under 35 U.S.C. 102(e) as being

unpatentable over Jacobi et al. US Patent 6,317,722.

Regarding Claims 1, 7 and 25 – 26, Jacobi et al. discloses a computer-

implemented service and methods for recommending products or other items to

individual users of an electronic commerce system based on a set of items known to be

of interest to the user, such as a set of items currently in the user's electronic shopping

cart. (abstract, col. 1, lines 6 – 9). The web site includes a Web server application ("Web

server") which processes HTTP (Hypertext Transfer Protocol) requests received over

the Internet from user computers. (see Fig 1)

Jacobi et al. disclose using database to store information for items, users etc.

(col. 7, lines 30 – 45). The data stored for each user may include one or more of the

following types of information (among other things) that can be used to generate

recommendations in accordance with the invention: (a) the user's purchase history,

including dates of purchase, (b) the user's item ratings profile (if any), (c) the current

contents of the user's personal shopping cart(s), and (d) a listing of items that were

recently (e.g., within the last six months) removed from the shopping cart(s) without

being purchased ("recent shopping cart contents"). If a given user has multiple shopping

carts, the purchase history for that user may include information about the particular

shopping cart used to make each purchase. (col. 7, lines 45 – 64)

Jacobi et al. discloses that the recommendation service identifies items that are

currently in the user's shopping cart, and uses these items to generate a list of

additional items that are predicted to be of interest to the user, wherein an additional

item is selected to include in the list based in-part upon whether that item is related to

more than one of the items in the user's shopping cart. The additional items are

preferably displayed to the user when the user views the contents of the shopping cart.

Recommendations generated are returned to the Web server, which incorporates the

recommendations into personalized web pages transmitted to users (col. 8, lines 20 –

25). "The general form of such a Web page is shown in FIG. 6, which lists five

recommended items. From this page, the user can select a link associated with one of

the recommended items to view the product information page for that item. In addition, the user can select a "more recommendations" button 200 to view additional items from the list of M items". (col. 16, lines 6 – 14).

Jacobi et al. web site includes a web server application ("Web server") which processes HTTP (Hypertext Transfer Protocol) requests received over the Internet from user computers (col. 7, lines 35 – 38).

Regarding claim 2, Jacobi et al discloses that the recommendations include one or more items that the user previously considered purchasing but did not purchase. A list of the top items of the recommendations is returned to the Web server. "The recommendations may alternatively be conveyed to the user by email, facsimile, or other transmission method. Further, the recommendations could be presented as advertisements for the recommended items" (col. 12, lines 4 – 13).

Regarding claim 3, Jacobi et al. web site includes a "user profiles" database which stores account-specific information about users of the site. Because a group of individuals can share an account, a given "user" from the perspective of the web site may include multiple actual users. The data stored for each user may include the information that can be used to generate recommendations. If a given user has multiple

shopping carts, the purchase history for that user may include information about the particular shopping cart used to make each purchase (col.7, lines 45 – 64).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4 – 6, 8 – 24 and 27 – 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi et al. US Patent 6,317,722 in view of Linden et al. US Patent 6,360,254 and further in view of catalog shopping portal Catalog City hereinafter known as CatalogCity (www.catalogcity.com), crafter's marketplace Craft e Mart hereinafter known as Craft-E-Mall (www.craftemall.com) and (www.howstuffworks.com).

Regarding claim 4, 5, 10 and 11, Jacobi et al. discloses that the data stored for each user may include one or more of the following types of information (among other things) that can be used to generate recommendations in accordance with the invention: (a) the user's purchase history, including dates of purchase, (b) the user's item ratings profile (if any), (c) the current contents of the user's personal shopping cart(s), and (d) a listing of items that were recently (e.g., within the last six months)

removed from the shopping cart(s) without being purchased ("recent shopping cart

contents") (col. 7, lines 45 – 64).

Jacobi et al. does not disclose shopper information available on remote

computers without input from shoppers. It is known at the time of applicant's invention to

a person with ordinary skill in the art that "A cookie is a piece of text that a <u>Web server</u>

can store on a user's <u>hard disk</u>. Cookies allow a Web site to store information on a

user's machine and later retrieve it. The pieces of information are stored as name-value

pairs." (see How Internet Cookies Work). Therefore, it is known at the time of applicant's

invention to a person with ordinary skill in the art to use cookies in Jacobi et al. to

minimize customers repeatedly providing required information every time they access

the web server (for example, user identification required to browse the website).

Also, Jacobi et al. does not disclose storing URLs for individual shopper. Linden

et al. disclose a Web site system in which different private records or other resources

are personal to different users, a method is provided for allowing users to securely

access a private resource without the need to enter a username, password, or other

authentication information, and without the need to download special authentication

software or data to the user's computer. Each resource is assigned a private uniform

resource locator (URL) which includes a fixed character string and a unique token.

When a user attempts to access a private URL (such as to access a private account

information page), a token validation program is used to determine whether the token is

valid. "The method may be used to provide users secure access to private account

information on the Web site of merchant. Other practical applications include electronic

gift certificate and coupon redemption, gift registries, order confirmation electronic voting, and electronic greeting cards. (For example, a private Web page for a particular user may be assigned the private URL http://www.amazon.com/private_resources/A9HBJ1E55G0ML", where the character string A9HBJ1E55G0ML is the token). Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to include URLs in Jacobi et al. to provide shoppers secure access to their private account information (abstract; col. 1, lines 54 – 67).

Regarding claim 6, Jacobi et al. does not disclose screen design having colors, pictures, shapes etc. However, Jacobi et al. discloses that its Web server accesses a database of HTML (Hypertext Markup Language) content which includes product information pages and other browsable information about the various products of the catalog. Also, it is notoriously known that HTML a "markup language" is a computer language that describes how a page should be formatted. HTML is not used to display a long string of black and white text with no formatting. When there is a need to change fonts, add colors, create headlines and embed graphics in your page, HTML is the language used to do it (see How Web Pages Work). Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to use a language like HTML to design user interface to direct customer's attention to the recomendations and increase online sales.

Regarding claim 8, Jacobi et al. does not disclose to store information associated with services for sale to shoppers. It is notoriously known at the time of applicant's invention to a person with ordinary skill in the art that service is also a product which is sold to the shoppers at the time of purchase (for example car dealers selling extended warranty to the customer). Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to store information associated with services to identify at the time of repairs if the customer has a service contract with the merchant, or else, charge the customer accordingly.

Regarding claim 9, Jacobi et al. does not disclose to store information associated with electronic commerce stores. Craft-E-Mall discloses a website which stores information associated with electronic commerce stores including domain names (see Craft-E-Mall web page-source "booths[1]"). Also, Craft-E-Mall further displays screens as selected by the user (see sample of Craft-E-Mall web pages). Therefore, it is known at the time of applicants invention to a person with ordinary skill in the art to modify Jacobi et al. as taught by Craft-E-Mall and store information associated with electronic commerce stores to expand the business model to an electronic mall and charge commissions to electronic commerce vendors by becoming a procuring cause for customer purchases.

Regarding Claim 12, 17, 21, 23 – 24, and 27 – 29, Jacobi et al. discloses a

computer-implemented service and methods for recommending products or other items

to individual users of an electronic commerce system based on a set of items known to

be of interest to the user, such as a set of items currently in the user's electronic

shopping cart. (abstract, col. 1, lines 6 – 9). The web site includes a Web server

application ("Web server") which processes HTTP (Hypertext Transfer Protocol)

requests received over the Internet from user computers. (see Fig 1)

Jacobi et al. disclose using database to store information for items and users

(col. 7, lines 30 – 45). The data stored for each user may include one or more of the

following types of information (among other things) that can be used to generate

recommendations in accordance with the invention: (a) the user's purchase history,

including dates of purchase, (b) the user's item ratings profile (if any), (c) the current

contents of the user's personal shopping cart(s), and (d) a listing of items that were

recently (e.g., within the last six months) removed from the shopping cart(s) without

being purchased ("recent shopping cart contents"). If a given user has multiple shopping

carts, the purchase history for that user may include information about the particular

shopping cart used to make each purchase. (col. 7, lines 44 – 64)

Jacobi et al. discloses that the recommendation service identifies items that are

currently in the user's shopping cart, and uses these items to generate a list of

additional items that are predicted to be of interest to the user, wherein an additional

item is selected to include in the list based in-part upon whether that item is related to

more than one of the items in the user's shopping cart. The additional items are

preferably displayed to the user when the user views the contents of the shopping cart.

Recommendations generated are returned to the Web server, which incorporates the

recommendations into personalized Web pages transmitted to users (col. 8, lines 20 –

25). "The general form of such a Web page is shown in FIG. 6, which lists five

recommended items. From this page, the user can select a link associated with one of

the recommended items to view the product information page for that item. In addition,

the user can select a "more recommendations" button 200 to view additional items from

the list of M items". (col. 16, lines 6 – 14). Jacobi et al. does not disclose how the user is

identified before the recommendations are made. It is known at the time of applicant's

invention to a person with ordinary skill in the art that for an online shopping, users are

required to log-in into the vendors website, or, vendors use the information stored on

users computer (cookies) to identify the user. Therefore, it is known at the time of

applicant's invention to a person with ordinary skill in the art to include user identification

means and method to identify the user for determining their preferences prior to making

recommendations.

Jacobi et al. does not disclose to exclude selected information in the

merchandise database from being displayed. It is known at the time of applicant's

invention that user's access to database information is limited to their authorized

requirements. (for example, Human Resources personnel can view name, address,

age, benefits etc. for the entire organization, whereas, a manager may be restricted to

access employees name, address, contact information only). Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to limit the information from merchandise database for user's viewing to stay competitive by protecting the actual cost of the products being sold from their competitors and users.

Jacobi et al. web site includes a web server application ("Web server") which processes HTTP (Hypertext Transfer Protocol) requests received over the Internet from user computers (col. 7, lines 35 – 38).

Jacobi et al. does not disclose computer readable medium for storing computer programs. However, Jacobi et al. discloses that although the embodiments described herein employ item lists, other programming methods for keeping track of and combining sets of similar items can be used (col. 17, lines 10 – 18). Also, it is notoriously known at the time of applicant's invention to a person with ordinary skill in the art that the computer programmers store computer programs on a computer readable medium (like a hard drive, CDROM etc.) to have the computer program readily available for the computer to become functionally active with minimum human intervention in case when the system reboots (for example, when there is a power failure).

Regarding claims 13 – 16, Jacobi et al. discloses that the data stored for each user may include one or more of the following types of information (among other things) that can be used to generate recommendations in accordance with the invention: (a) the

user's purchase history, including dates of purchase, (b) the user's item ratings profile (if any), (c) the current contents of the user's personal shopping cart(s), and (d) a listing of items that were recently (e.g., within the last six months) removed from the shopping cart(s) without being purchased ("recent shopping cart contents") (col. 7, lines 45 – 64).

Jacobi et al. does not disclose shopper information available on remote computers without input from shoppers. It is known at the time of applicant's invention to a person with ordinary skill in the art that "A cookie is a piece of text that a <u>Web server</u> can store on a user's <u>hard disk</u>. Cookies allow a Web site to store information on a user's machine and later retrieve it. The pieces of information are stored as name-value pairs." (see How Internet Cookies Work). Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to use cookies in Jacobs et al. to avoid customer provide some required information every time they access the web server (for example, user-id required to browse the website).

Also, Jacobi et al. does not disclose storing URLs for individual shopper. Linden et al. disclose a Web site system in which different private records or other resources are personal to different users, a method is provided for allowing users to securely access a private resource without the need to enter a username, password, or other authentication information, and without the need to download special authentication software or data to the user's computer. Each resource is assigned a private uniform resource locator (URL) which includes a fixed character string and a unique token. When a user attempts to access a private URL (such as to access a private account information page), a token validation program is used to determine whether the token is

valid. "The method may be used to provide users secure access to private account information on the Web site of merchant. Other practical applications include electronic gift certificate and coupon redemption, gift registries, order confirmation electronic voting, and electronic greeting cards. (For example, a private Web page for a particular user may be assigned the private URL

http://www.amazon.com/private_resources/A9HBJ1E55G0ML", where the character string A9HBJ1E55G0ML is the token). Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to use URLs in Jacobi et al. to provide shoppers secure access to their private account information (abstract; col. 1, lines 54 – 67).

Regarding claims 18 and 19, Jacobi et al. discloses the recommendation service to identify items that are currently in the user's shopping cart, and uses these items to generate a list of additional items that are predicted to be of interest to the user, wherein an additional item is selected to include in the list based in-part upon whether that item is related to more than one of the items in the user's shopping cart. The additional items are preferably displayed to the user when the user views the contents of the shopping cart. Recommendations generated by the recommendation services are returned to the Web server, which incorporates the recommendations into personalized Web pages transmitted to users. The web site includes a Web server application ("Web server")

which processes HTTP (Hypertext Transfer Protocol) requests received over the

Internet from user computers.

Jacobi et al. does not disclose to categorize information on the screen. Linden et

al. discloses to categorize information on user's screen (see Fig 5). Therefore, it is

known at the time of applicant's invention to a person with ordinary skill in the art to

categorize information on user screen to present the information in a user friendly

manner and lure the user to consider the recommendations.

Regarding claim 20, Jacobi et al. discloses a computer-implemented service and

methods for recommending products or other items to individual users of an electronic

commerce system based on a set of items known to be of interest to the user, such as a

set of items currently in the user's electronic shopping cart. (abstract, col. 1, lines 6 – 9).

The web site includes a Web server application ("Web server") which processes HTTP

(Hypertext Transfer Protocol) requests received over the Internet from user computers.

(see Fig 1)

Jacobi et al. does not disclose using internet cookies. It is known at the time of

applicant's invention to a person with ordinary skill in the art that "A cookie is a piece of

text that a Web server can store on a user's hard disk. Cookies allow a Web site to store

information on a user's machine and later retrieve it. The pieces of information are

stored as name-value pairs." (see How Internet Cookies Work). Therefore, it is known at

the time of applicant's invention to a person with ordinary skill in the art to use cookies

in Jacobs et al. to avoid customer provide required information every time they access

the web server (for example, user identification required to browse the website).

Regarding claim 22, Jacobi et al. discloses the external components to include

recommendation service components that are used to implement the site's various

recommendation services. Recommendation service identifies items that are currently in

the user's shopping cart, and uses these items to generate a list of additional items that

are predicted to be of interest to the user, wherein an additional item is selected to

include in the list based in-part upon whether that item is related to more than one of the

items in the user's shopping cart. The additional items are displayed to the user when

the user views the contents of the shopping cart. Recommendations generated by the

recommendation services are returned to the Web server, which incorporates the

recommendations into personalized Web pages transmitted to users. The web site

includes a Web server application ("Web server") which processes HTTP (Hypertext

Transfer Protocol) requests received over the Internet from user computers. Jacobi et

al. does not disclose having the look and feel to encourage purchase. CatalogCity

discloses a system and method having look and feel to encourage shoppers to

purchase the product. CatalogCity allows shoppers to query using "quick search" to

search for products or catalog name. In addition, CatalogCity provides index of

catalogs. Therefore, it is known at the time of applicant's invention to a person with

ordinary skills in the art to design the web pages with looks and feel that lure the

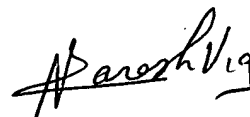shoppers to purchase the product and complete the sale.

Conclusion

Applicant is required under 37 CRF '1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Naresh Vig
Examiner
Art Unit 3629

December 11, 2006